



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

(9) That railroads be required to account separately to the Interstate Commerce Commission for the income and expenditures of interstate water lines owned or controlled by them.

(10) That railroads be required to make their terminal facilities available to water carriers on equal terms and under such reasonable conditions as the Interstate Commerce Commission may prescribe. The Committee also believes that the Federal Government should pursue a policy of not expending money in the interests of any port for harbor or channel improvements, unless that port has efficient dock facilities available to all water carriers.

(11) That there should be legislation providing for equal treatment to all shippers and water carriers by transfer and lighterage concerns when forming a link in interstate or foreign commerce.

(12) That all interstate traffic on canals be placed under the supervision of the Interstate Commerce Commission; and that the railroads be prohibited in the future from acquiring, either directly or indirectly, ownership and control of or interest in canals, or water lines, forwarding companies and other navigation facilities on such canals, when the same are used in interstate transportation.

Respectfully submitted,

J. W. ALEXANDER,
Chairman.

APPENDIX IV

BILL TO REGULATE CARRIERS BY WATER ENGAGED IN THE FOREIGN AND INTERSTATE COMMERCE OF THE UNITED STATES

Introduced in the House of Representatives by

J. W. ALEXANDER,
Chairman, Committee on the Merchant Marine and Fisheries.

A BILL TO REGULATE CARRIERS BY WATER ENGAGED IN THE FOREIGN AND INTER- STATE COMMERCE OF THE UNITED STATES¹

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the term "common carrier by water" when used in this Act means a common carrier engaged in the transportation by water of passengers or property in the interstate or foreign commerce of the United States, and if such transportation is in whole or in part within the territorial limits of the United States or its possessions includes common carriers by water engaged in transportation on canals or partly by water and partly by railroad when both are used under common control, management, or arrangement for a continuous carriage or shipment.

The term "common carrier by water" when limited by the term "in foreign commerce" means such a common carrier engaged in the transportation by water of passengers or property between the United States or any of its Districts, Territories, or possessions and a foreign country, and includes both the import and export trade.

The term "common carrier by water" when limited by the term "in interstate commerce" means such a common carrier engaged in the transportation by water of passengers or property between one State, Territory, District, or possession of the United States and any other State, Territory, District, or possession of the United States, or between one place in a Territory, District, or possession and another place in the same Territory, District, or possession.

The term "other person subject to this Act" means any person, not included in the term "common carrier by water," and carrying on the business of forwarding, ferrying, towing, or furnishing transfer, lighterage, dock, warehouse, or other terminal facilities, in or in connection with the foreign or interstate commerce of the United States.

The term "person" wherever used in this Act includes corporations and associations existing under or authorized by the laws of the United States, or any State, Territory, District, or possession thereof, or of any foreign country.

SEC. 2. That no common carrier by water in foreign commerce or in interstate commerce shall—

First. Pay or allow or enter into any combination, agreement, or understanding, expressed or implied, to pay or allow a deferred rebate to any shipper. The term "deferred rebate" as used in this Act means a return of any portion of the freight money allowed by a carrier to any shipper as a consideration for the giving of all or any portion of his shipments to such carrier, or for any other purpose, the payment of which is deferred beyond the period for which it is computed and is made only if, during both the period for which the return is computed and the period of deferment, the shipper has given his shipments to such carrier in accordance with the terms of the rebate, agreement or arrangement.

Second. Use, either separately or in conjunction with any other carrier through agreement or otherwise, fighting ships for the purpose of excluding, preventing, or reducing competition. The term "fighting ship" as used in this Act means a vessel selected for and employed in a particular trade by a carrier or group of carriers for the sole purpose of driving another carrier out of said trade. The Interstate Commerce Commission, after full hearing upon a complaint made, or after full hearing under an order for an investigation and hearing made by the commission on its own initiative, shall determine questions of fact as to whether said carrier or carriers did select or employ a vessel as a fighting ship.

Third. Retaliate against any shipper by refusing, or threatening to refuse, space accommodations when such are available, or resort to other discriminating or unfair methods, because such shipper has patronized any other carrier or has filed a complaint charging unfair treatment or for any other reason.

Any carrier who violates any provision of this section shall be guilty of a misdemeanor punishable by a penalty of not less than \$5,000 nor more than \$25,000 for each offense. If it shall be determined by the Interstate Commerce Commission or adjudged by any court of competent jurisdiction that any vessel, whether of the United States or of any foreign country, is being operated in violation of any provision of this section, the commission or the court may, by its order, judgment, or decree, prohibit said vessel from entering at or clearing from any port of the United States in violation of such order, judgment, or decree made or rendered; whereupon it shall be unlawful for such vessel to so enter or clear until the commission or court shall find that the violation of this section has ceased. A penalty of \$25,000 shall be imposed upon any vessel which shall enter or clear from any port of the United States in violation of the provisions of a judgment or decree rendered as provided in this section for each and every such entry or clearance, which penalty or penalties may be recovered by proceedings in admiralty in the district court of the United States for the district in which said vessel may be, and the court may direct the sale of said vessel for the purpose of realizing the amount of said penalty or penalties and cost.

SEC. 3. That every common carrier by water in foreign commerce or in interstate commerce, or other person subject to this Act, shall file for approval with the Interstate Commerce Commission a true copy, or, if oral, a true and complete memorandum, of every agreement, understanding, conference, or other arrangement, to which it may be a party, or to which it may conform in whole or in part, fixing or regulating transportation rates or fares; giving or receiving special rates, accommodations, or other special privileges or advantages; controlling, regulating, preventing, or destroying competition; pooling or apportioning earnings, losses, or traffic; allotting the ports or restricting or otherwise regulating the number and character of sailings between ports; limiting or regulating in any way the volume or character of freight or passenger traffic to be carried; or in any manner providing for an exclusive, preferential, or coöperative working arrangement. All modifications and cancellations of such agreements, understandings, conferences, or arrangements shall be immediately filed for approval with the commission.

The Interstate Commerce Commission is hereby empowered to order canceled or modified any such agreement, understanding, conference, or arrangement, or any part thereof, that it may find discriminating or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or that it may find to operate to the detriment of the commerce of the United States, or that may be in violation of this Act.

All such agreements, understandings, conferences, and arrangements shall be approved or disapproved by the Interstate Commerce Commission, and when approved shall be excepted from the provisions of the Act of Congress approved July second, eighteen hundred and ninety, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," and amendments and Acts supplementary thereto, and the provisions of sections seventy-three to seventy-seven, both inclusive, of an Act approved

August twenty-seventh, eighteen hundred and ninety-four, entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes," and amendments and Acts supplementary thereto.

Any carrier by water, or other person subject to this Act, who fails to file with the Interstate Commerce Commission, within a reasonable time to be prescribed by the commission, a true and complete copy or memorandum of every agreement, understanding, conference, or arrangement, as required in this section, shall be liable for each such offense to a penalty of \$1,000 for each day during which such offense continues. Said penalty shall accrue to and be recovered by the United States in a civil action.

SEC. 4. That every traffic or rate association or conference of which any common carrier by water in interstate commerce may be a member, or with which it may be associated, either directly or indirectly, is hereby placed under the jurisdiction of the Interstate Commerce Commission as regards the approval of all matters pertaining to rates, traffic arrangements between carriers, and other conditions of water transportation affecting the interests of shippers and carriers, and with respect to both rail-and-water and all-water transportation, if the same are not entirely within the limits of a single State. Jurisdiction is hereby also conferred on the commission to approve and prescribe reasonable conditions under which other carriers shall be admitted to membership in such association or conference. It shall be unlawful to deny membership in any such association or conference to any carrier because the consent of all or any number of the existing members of such association or conference can not be obtained to favor the admission of said carrier.

SEC. 5. That it shall be unlawful for any common carrier by water, or other person subject to this Act, either directly or indirectly—

First. To issue or give any free ticket, free pass, or free transportation for passengers, or to carry, store, or handle property free or at reduced rates: *Provided*, That this provision shall not prohibit any common carrier by water from giving such free ticket, free pass, or free transportation to its employees and their families, its officers, agents, surgeons, physicians, attorneys at law, and witnesses attending any legal investigation in which the common carrier is interested; to ministers of religion, inmates of hospitals, and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute, and homeless persons, and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to persons injured in wrecks and physicians and nurses attending such persons; to inmates of the National homes or State homes for disabled volunteer soldiers, and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge; to necessary caretakers of live stock and cargo; and to employees in the mail service, post-office inspectors, customs inspectors, and immigration inspectors: *Provided further*, That this provision shall not be construed to prohibit the interchange of passes for the officers, agents, and employees of common carriers and their families; nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation: *And*

provided further, That the terms "employees" and "families" as used in this section shall be defined as in section one of the Act to regulate commerce approved February fourth, eighteen hundred and eighty-seven, and amendments thereto: *And provided further*, That nothing in this Act shall prevent the carriage, storage, or handling of property free or at reduced rates for the United States, State, or municipal governments, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the giving of reduced rates to ministers of religion, or to municipal governments for the transportation of indigent persons, or to inmates of the National homes or State homes for disabled volunteer soldiers, and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge, under arrangements with the board of managers of said homes.

Any common carrier by water violating this provision or any person using such free ticket, free pass, or free transportation, or such free or reduced transportation for the carriage, storage, or handling of property in violation of this provision shall be deemed guilty of a misdemeanor, and for each offense, on conviction, shall pay to the United States a penalty of not less than \$100 nor more than \$2,000.

Second. To charge, demand, collect, or receive from any person or persons by any special rate, rebate, drawback, or other device a greater or less compensation for any service rendered or to be rendered in the transportation of passengers or property subject to the provisions of this Act than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like service in the transportation of a like kind of traffic under substantially similar circumstances and conditions.

Third. To make or give any undue or unreasonable preference or advantage to any particular person, locality, or description of traffic in any respect whatsoever or to subject any particular person, locality, or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Fourth. To allow any person or persons to obtain transportation for property at less than the regular rates then established and enforced on the line of transportation of such carrier, by means of false billing, false classification, false weighing, false report of weight, or by any other device or means. Any wilfull violation of this provision by any common carrier by water, or, whenever such common carrier is a corporation, by any officer or agent thereof, or any person acting for or employed by such corporation, or by any person, corporation, or company, or any agent or officer thereof, who shall deliver property for transportation to any common carrier by water subject to this Act, or for whom, as consignor or consignee, any such carrier shall transport property, shall be a misdemeanor punishable, upon conviction, by a fine of not exceeding \$5,000; or imprisonment in the penitentiary for a term of not exceeding two years, or both, in the discretion of the court, for each offense.

Fifth. To induce, persuade, or otherwise influence any marine insurance company or underwriter, or agent thereof, to prevent a competing carrier by water from securing as favorable a rate of insurance on cargo carried, having due regard to the class of vessel, as is granted to such carrier or person.

Any common carrier by water, or other person subject to this Act, or whenever such carrier or person is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, who, alone or with any other person, or party, shall knowingly and wilfully do or cause to be done, or shall willingly suffer or permit to be done, any act, matter, or thing in this section prohibited and hereby declared to be unlawful, or who shall aid or abet therein, and for which no penalty is otherwise provided in this section, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be subject to a fine of not to exceed \$5,000 for each offense: *Provided*, That if the offense for which any person shall be convicted as aforesaid shall be an unlawful discrimination in rates, fares, or charges for the transportation of passengers or property, such person shall, in addition to the fine hereinbefore provided for, be liable to imprisonment in the penitentiary for a term of not exceeding two years, or both such fine and imprisonment, in the discretion of the court.

SEC. 6. That whenever, after full hearing upon a complaint, or under an order for investigation made by the Interstate Commerce Commission on its own initiative (either in extension of any pending complaint or without any complaint whatever), the commission shall be of opinion that any rates or charges demanded, charged, or collected by any common carrier by water in foreign commerce are unreasonably high, or unjustly discriminatory between shippers or ports, or unjustly prejudicial to exporters of the United States as compared with their foreign competitors, or represent an unjust relation between classes of commodities the commission is hereby empowered to determine and prescribe what shall be the just and reasonable rates and charges to be thereafter observed as the maximum to be charged, and to make an order that such carrier shall cease and desist from publishing, demanding, or collecting any rate or charge in excess of the prescribed maximum, such order to continue in force for such period of time, not exceeding two years, as shall be prescribed in the order of the commission, unless the same shall be suspended, modified, or set aside by the commission, or be suspended or set aside by a court of competent jurisdiction. The commission is hereby also empowered upon formal complaint, or in proceedings instituted by the commission of its own motion and after full hearing, to determine, prescribe, and order enforced just and reasonable regulations and practices relating to or connected with the receiving, handling, storing, and delivering of property by any such carrier.

SEC. 7. That every common carrier by water in interstate commerce shall establish, observe, and enforce in interstate commerce just and reasonable rates, fares, and charges and just and reasonable regulations and practices affecting classifications, rates, or tariffs, the issuance, form, and substance of tickets, receipts, and bills of lading, the manner and method of presenting, marking, packing, and delivering property for transportation, the carrying of personal, sample, and excess baggage, the facilities for transportation, and all other matters relating to or connected with the receiving, handling, transporting, storing, and delivering of property. Whenever the Interstate Commerce Commission shall, upon formal complaint or in proceedings instituted

by the commission of its own motion and after full hearing, be of opinion that any of the aforementioned rates, charges, classifications, regulations, or practices are unjust or unreasonable, the commission is hereby empowered to determine, prescribe, and order enforced just and reasonable rates, charges, classifications, regulations, and practices.

Every common carrier by water in interstate commerce shall file with the Interstate Commerce Commission and keep open to public inspection, in the form and within the time prescribed by the commission, all the rates, fares, and charges for transportation between different points on its own route and points on the route of any other carrier by water when a through route and joint rate have been established, and if no joint rate over the through route has been established the several carriers in such through route shall file the separately established rates, fares, and charges applied to the through transportation. No increase shall be made by such carrier in the rates, fares, and charges, or joint rates, fares, and charges which have been filed in compliance with the requirements of this section, except after ten days' notice to the commission, which notice shall plainly state the increase proposed to be made. The Interstate Commerce Commission is hereby empowered to determine and prescribe what shall be the maximum rates, fares, and charges to be observed and charged by such carrier, and to make an order that such carrier shall cease and desist from demanding or collecting any rate, fare, or charge in excess of the prescribed maximum, such order to continue in force for such period of time, not exceeding two years, as shall be prescribed in the order of the commission, unless the same shall be suspended, modified, or set aside by the commission, or be suspended or set aside by a court of competent jurisdiction. The Interstate Commerce Commission is hereby also empowered to determine and enforce differentials between the rates charged in interstate commerce by common carriers by rail and by water when the two classes of carriers are in competition with each other.

SEC. 8. That whenever a common carrier by water in interstate commerce reduces its rates on the carriage of any species of freight to or from competitive points below a fair and remunerative basis with the intent of driving out or otherwise injuring a competitive carrier by water, it shall not be permitted to increase such rates unless after hearing by the Interstate Commerce Commission it shall be found that such proposed increase rests upon changed conditions other than the elimination of said competition. Jurisdiction is hereby conferred upon the Interstate Commerce Commission after full hearing upon a complaint made, or after full hearing under an order for investigation and hearing made by the commission on its own initiative, to determine questions of fact as to whether said carrier did reduce rates below a fair and remunerative basis with the intent of driving out or otherwise injuring said competitor.

SEC. 9. That it shall be unlawful for any common carrier by water, or other person subject to this Act, or any officer, agent, or employee of such carrier or person, or for any other person lawfully authorized by such carrier or person to receive information therefrom, knowingly to disclose to or permit to be acquired by any person other than the shipper or consignee, without

the consent of such shipper or consignee, any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to such common carrier for interstate transportation, or for transportation between the United States and a foreign country, which information may be used to the detriment or prejudice of such shipper or consignee, or which may improperly disclose his business transactions to a competitor, or which may be used to the detriment or prejudice of any carrier; and it shall also be unlawful for any person to solicit or knowingly receive any such information which may be so used: *Provided*, That nothing in this Act shall be construed to prevent the giving of such information in response to any legal process issued under the authority of any court of a State or of the United States, or to any officer or agent of the Government of the United States, or of any State or Territory, in the exercise of his powers, or to any officer or other duly authorized person seeking such information for the prosecution of persons charged with or suspected of crime, or information given by a common carrier to another carrier, or its duly authorized agent, for the purpose of adjusting mutual traffic accounts in the ordinary course of business of such carriers.

SEC. 10. That the Interstate Commerce Commission is hereby empowered to investigate fully all complaints (or to undertake investigation on its own initiative) against any common carrier by water, charging unfair treatment of shippers in the matter of cargo space accommodations or other facilities, having due regard for the proper loading of the vessel and the available tonnage, or unfair or discriminating contracts with shippers based on the volume of freight offered, or unfair treatment in the loading and landing of freight in proper condition, or unfair treatment in the adjustment and settlement of claims. The commission is hereby empowered to order the discontinuance of all unfair or discriminating practices which it may find to exist, and to adopt all rules and regulations which it may deem necessary to prevent such unfair or discriminating practices, and to protect the complainant against any form of retaliation.

SEC. 11. That when property may be or is transported by rail and water from point to point in the United States, and not entirely within the limits of a single State, it shall be unlawful for any railroad company or companies to discriminate against such rail-and-water route, as compared with the all-rail route between the same points, by charging more for the same transportation service, having due regard for reasonable extra terminal charges and other expenses involved, on water-borne commodities and articles moving between said points, than they charge on the same kind of commodities and articles for the proportionate share of the all-rail haul. The Interstate Commerce Commission is hereby empowered upon complaint, or on its own initiative and after full hearing, to determine questions of fact as to the violation of the provisions of this section by any railroad company, and to order any such violation discontinued.

SEC. 12. That from and after the passage of this Act it shall be unlawful for any railroad company or other common carrier to acquire, either directly or indirectly, ownership or control of, or to acquire any interest whatsoever

(by stock ownership, either directly or indirectly, or through any holding company, or by directors in common, or by lease, or by arrangement to operate, or in any other manner) in any canal in the United States, or in any common carrier, water line, or forwarding company on such canal; when the same is used in interstate commerce, unless the Interstate Commerce Commission shall approve such acquisition as being in the public interest and of advantage to the convenience and commerce of the people.

SEC. 13. That for the purpose of enabling it the better to carry out the purposes of this Act, the Interstate Commerce Commission is hereby empowered, in its discretion, to require any common carrier by water in foreign commerce (and if such common carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation) to file with it any periodical or special report, or any account, record, rate, or charge, or any memorandum of any facts and transactions appertaining to the carrier's business, concerning any matter about which the commission is authorized or required by this Act to inquire or keep itself informed or which it is required to enforce, or to require from any such carrier specific answers to all questions upon which the commission may need information in carrying out this Act. Any such reports, accounts, records, rates, charges, and memoranda, or answers to questions, shall be under oath whenever the commission so requires, and shall be furnished in the form and within the time prescribed by the commission. If any carrier referred to in this section (and if such carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation) shall fail to file any report, account, record, rate, charge, or memorandum, or shall fail to make specific answer to any question authorized by this section, within such reasonable time as the commission may prescribe, such carrier shall forfeit to the United States the sum of \$100 for each and every day it shall continue to be in default with respect thereto. Any person (or where the carrier by water is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation) who shall willfully falsify in any manner whatsoever, or who shall willfully destroy, mutilate, or alter, or who shall willfully neglect or fail truthfully to file any such report, account, record, rate, charge, memorandum, or answer, shall be deemed guilty of a misdemeanor, and shall be subject, upon conviction, to a fine of not less than \$1,000 nor more than \$5,000, or imprisonment for a term not to exceed three years, or by both such fine and imprisonment.

SEC. 14. That section twenty of the Act entitled "An Act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and all amendments to said section of said Act, shall apply to common carriers by water in interstate commerce, as far as the same may be applicable to said carriers. The penalties provided in said section twenty of said Act to regulate commerce and amendments thereto shall apply, in the manner therein described, to any common carrier by water in interstate commerce.

The Interstate Commerce Commission is hereby empowered to require any railroad or other person to account separately, in the manner prescribed

by it, for the income, expenditures, and other financial and property characteristics of any common carrier by water in interstate commerce, which may be at present not separately incorporated but whose identity is merged with the general property and income account of said railroad or other person.

SEC. 15. That any common carrier by water or by railroad or other person subject to this Act, or whenever such carrier or person is a corporation, any director, officer, receiver, trustee, lessee, or agent of, or person acting for or employed by such corporation who alone or with any other person willfully does or causes to be done or willingly suffers or permits to be done any act, matter, or thing in this Act prohibited or declared to be unlawful, or who aids or abets therein, or violates any order or regulation made by the Interstate Commerce Commission in pursuance of the provisions of this Act, or who aids or abets therein, or willfully omits or fails to do any act, matter, or thing in this Act required to be done, or causes or willingly suffers or permits any act, matter, or thing so directed or required by this Act to be done not to be so done, or aids or abets any such omission or failure, or is guilty of any violation of this Act, or who aids or abets therein, shall be guilty of a misdemeanor, and upon conviction thereof in any district court of the United States within the jurisdiction of which such offense was committed shall, except as in this Act otherwise provided, be subject to a fine of not to exceed \$5,000 for each offense: *Provided*, That any person convicted as aforesaid of a violation of sections six, seven, ten, eleven, or twelve of this Act shall be subject to a fine of not more than \$5,000 for each day during which such violation continues: *Provided further*, That any person convicted as aforesaid of a violation of section nine of this Act shall be subject to a fine of not to exceed \$1,000 for each offense.

Every violation of this Act shall be prosecuted in any court of the United States having jurisdiction of crimes within the district in which such violation was committed, or through which the transportation may have been conducted; and whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein.

SEC. 16. That any person who shall be injured in his business or property by reason of any common carrier by water or by rail, or other person subject to this Act, doing, causing to be done, or permitting to be done any act, matter, or thing in this Act prohibited or declared to be unlawful, or omitting to do any act, matter, or thing in this Act required to be done, may sue therefor in any district court of the United States in the district in which the defendant resides or is found, or has an agent, without respect to the amount in controversy, and shall recover double the damages by him sustained, and the cost of suit, including a reasonable attorney's fee.

SEC. 17. That whenever in any suit or proceeding in equity hereafter brought by or on behalf of the United States under this Act, or in any proceeding before the Interstate Commerce Commission under this Act, there shall have been rendered a final judgment or decree, or decision or order, to the effect that a defendant has done, or failed to do, any act, matter, or thing

in this Act prohibited or required or declared to be unlawful, said judgment or decree, or decision or order, shall, to the full extent to which such judgment or decree, or decision or order, would constitute in any other suit or proceeding an estoppel as between the United States and such defendant, constitute against such defendant *prima facie* evidence of the same facts in favor of any other party in any suit or proceeding brought under or involving the provisions of this Act.

In the case of a private right of action arising under this Act and based in whole or in part on any matter complained of in any suit or proceeding in equity brought under this Act by or on behalf of the United States, the statute of limitations shall not run during the pendency of suit or proceeding.

SEC. 18. That it shall be the duty of every common carrier by water or other person subject to this Act, within sixty days after the taking effect of this Act, to designate in writing an agent in the city of Washington, District of Columbia, upon whom service of all orders, notices, and processes may be made for and on behalf of said common carrier or person in any proceeding or suit pending before the Interstate Commerce Commission, and to file such designation in the office of the secretary of the Interstate Commerce Commission, which designation may from time to time be changed by like writing similarly filed; that thereupon service of all orders, notices, and processes may be made upon such carrier or person by leaving a copy thereof with such designated agent at his office or usual place of residence in the city of Washington with like effect as if made personally upon such carrier or person; and in default of such designation of such agent service of any order, notice, or process in any proceeding before the Interstate Commerce Commission may be made by posting a copy of such notice, order, or process in the office of the secretary of the Interstate Commerce Commission.

SEC. 19. That the Interstate Commerce Commission shall execute and enforce the provisions of this Act. There are hereby extended to the commission in the execution of this Act the powers granted to it by the Acts entitled "An Act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven; "An Act making appropriations to supply urgent deficiencies in appropriations for the fiscal year nineteen hundred and thirteen, and for other purposes," approved October twenty-second, nineteen hundred and thirteen; "An Act in relation to testimony before the Interstate Commerce Commission, and in cases or proceedings under or connected with an Act entitled 'An Act to regulate commerce,' approved February fourth, eighteen hundred and eighty-seven, and amendments thereto," approved February eleventh, eighteen hundred and ninety-three; "An Act defining the right of immunity of witnesses under the Act entitled 'An Act in relation to testimony before the Interstate Commerce Commission,' and so forth, approved February eleventh, eighteen hundred and ninety-three, and an Act entitled 'An Act to establish the Department of Commerce and Labor,' approved February fourteenth, nineteen hundred and three, and an Act entitled 'An Act to further regulate commerce with foreign nations and among the States,' approved February nineteenth, nineteen hundred and three, and an Act entitled 'An Act making appropriations for the legislative, executive, and judicial

expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and four, and for other purposes,' approved February twenty-fifth, nineteen hundred and three," approved June thirtieth, nineteen hundred and six; "An Act to further regulate commerce with foreign nations and among the States," approved February nineteenth, nineteen hundred and three; "An Act to expedite the hearing and determination of suits in equity pending or hereafter brought under the Act of July second, eighteen hundred and ninety, entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies,' 'An Act to regulate commerce,' approved February fourth, eighteen hundred and eighty-seven, or any other Acts having a like purpose that may be hereafter enacted," approved February eleventh, nineteen hundred and three, and all Acts amendatory thereof. All other provisions of the said Acts, in so far as they may be applicable to the enforcement of and not inconsistent with this Act, are hereby made applicable to, incorporated in, and made a part of this Act.

The United States or any party damaged by the violation of this Act or of the orders or regulations of the Interstate Commerce Commission made in pursuance hereof shall be entitled to all the rights and remedies given to the United States or such party, respectively, in any of said Acts and in sections four and five of the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July second, eighteen hundred and ninety.

SEC. 20. That to carry out and give effect to the provisions of this Act, the Interstate Commerce Commission is authorized to employ such experts and other assistants as may be necessary, and to appoint special agents or examiners who shall have powers to administer oaths, examine witnesses, and take testimony.

SEC. 21. That the Interstate Commerce Commission is hereby enlarged so as to consist of eleven members, whose terms of office, appointment, qualifications, and compensation shall be as already provided by law. Such enlargement of the commission shall be accomplished through appointment by the President, by and with the advice and consent of the Senate, of four additional Interstate Commerce Commissioners, one for a term expiring December thirty-first, nineteen hundred and eighteen, one for a term expiring December thirty-first, nineteen hundred and nineteen, one for a term expiring December thirty-first, nineteen hundred and twenty, and one for a term expiring December thirty-first, nineteen hundred and twenty-one. The successors of the additional commissioners herein provided for shall be appointed for the full term of seven years, except that any person appointed to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Not more than six commissioners shall be appointed from the same political party.

SEC. 22. That this Act shall take effect from its passage.